

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Lawrence Baer, on Behalf of Himself
And All Others Similarly Situated,

Civil Action No. 03-CV-3459 (MJD/RLE)

Plaintiffs,

ORDER

v.

J.D. Donovan, Inc.,

Defendant

Based upon the stipulation of the parties, the Court orders as follows:

1. Plaintiffs' claims under the Americans with Disabilities Act shall be dismissed, subject to the notice provisions detailed below;
2. Within ten days of the date of this Stipulation, Defendant shall provide to Plaintiffs the names and addresses of all individuals who returned applications to Defendant that were the same as the application Defendant gave to Plaintiff Lawrence Baer or which sought similar medical or disability information;
3. Counsel for the Plaintiff class shall provide notice, by United States Mail, to each of the individuals identified by Defendant, as required in paragraph two of this Stipulation, of the dismissal of the claim for violation of the Americans with Disabilities Act and the reasons therefore. Such notice shall be in a form agreed to by both parties and approved by the Court and shall notify each potential class member of his or her ability to object to the entry of the order for dismissal;

4. If no objection is made to the entry of the order for dismissal, the Court shall order Plaintiffs' ADA claims dismissed with prejudice, and dismiss Plaintiffs' state claims without prejudice; and
5. If objection is made by any potential class member, the Court shall hold a public hearing at which all objections may be heard.
6. **IT IS SO ORDERED:**

Dated: November 7, 2005

s/ Michael J. Davis
Michael J. Davis
United States District Court Judge